

1 KEVIN O'ROURKE  
2 SOUTHWELL & O'ROURKE, P.S.  
3 Attorneys at Law  
4 960 Paulsen Center  
5 W. 421 Riverside Avenue  
6 Spokane, WA 99201  
7 (509) 624-0159

8 UNITED STATES BANKRUPTCY COURT  
9  
10 IN AND FOR THE EASTERN DISTRICT OF WASHINGTON

11 In re:

12 **GARY WAYNE PETERS,**  
13  
14 Debtor.

No.: **20-01507-FPC7**

Chapter 7

**APPLICATION FOR ORDER  
APPROVING EMPLOYMENT OF  
ATTORNEY (LR 2014)**

15 **COMES NOW** the undersigned Trustee and applies to the Court for an Order  
16 approving the employment of Southwell & O'Rourke, P.S. as attorneys for the Trustee in  
17 the above-entitled estate.

18 For purposes of this Application and verification and the disclosures contained  
19 herein, the term APPOINTEE shall include the named appointee, and if the named  
20 appointee is a law partnership or corporation or an accounting partnership or  
21 corporation, or is an attorney or accountant employed as a partner, member, or regular  
22 associate of a partnership or corporation, the named appointee and each member,  
23 partner or regular associate of such partnership or corporation.

24 Applicant and Appointee in making and verifying this Application understands  
25 that appointee is a fiduciary to the estate or Creditor's Committee as appropriate, and is  
obligated to fully and candidly disclose all material facts relating to the employment and  
is obligated to timely disclose subsequently discovered material facts.

Application-1

**SOUTHWELL & O'ROURKE, P.S.**  
A PROFESSIONAL SERVICE CORPORATION  
**ATTORNEYS AT LAW**  
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1 Your applicant makes the following representations under penalty of perjury and subject  
2 to 18 U.S.C. §152:

3 1. That the specific facts showing the necessity for the employment are:

4 To represent Chapter 7 Trustee in liquidating and collecting property of  
5 the estate and any related claims.

6 2. That the reason for the selection of the above-named appointee is:

7 Appointee has had more than fifteen (15) years experience in working on and  
8 dealing with issues such as is going to be required in this case.

9 3. That the professional services to be rendered are:

10 To represent Chapter 7 Trustee in liquidating and collecting property of  
11 the estate and any related claims.

12 4. That appointee is qualified to provide the services to be rendered based on  
13 the following:

14 Appointee has had more than fifteen (15) years experience in working on and  
15 dealing with issues such as is going to be required in this case.

16 5. That any proposed arrangement as to compensation, including hourly rates or  
17 flat fees if applicable, is as follows, but that approval of that arrangement and any  
18 payment or allowance of compensation for services rendered or reimbursement of  
19 expenses will be in accordance with 11 U.S.C. §329 and §330 and FRBP §2016:

20 \$375.00 per hour for Kevin O'Rourke

21 \$400.00 per hour for Dan O'Rourke

22 6. That appointee is a relative of the Bankruptcy Judge assigned the case. ☐  
23 YES ☒ NO

24 7. That appointee does not hold or represent an interest adverse to the estate,  
25 that appointee is a disinterested person and that appointee has not served as examiner  
in the case. ☐ YES ☒ NO, If yes, explain: N/A

8. That appointee is not and will not while employed by the Committee represent  
any other entity having an adverse interest in connection with the case. ☐ YES  
☒ NO, If yes, explain: N/A

Application-2

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9. That to best of your applicant's knowledge, all of the appointee's connections with the Debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States Trustee, any person employed in the Office of the United States Trustee or the Bankruptcy Judge assigned the case are as follows:

A. That appointee is a creditor as defined by 11 U.S.C. §101(10). ☐ YES ☒ NO, If yes, complete the following:

Date on any waiver, set-off or assignment:\_\_\_\_\_.

Type of debt incurred:\_\_\_\_\_ Payment made: \$\_\_\_\_\_  
Date incurred:\_\_\_/\_\_\_/\_\_\_ Date payment made:\_\_\_/\_\_\_/\_\_\_  
Amount incurred:\$\_\_\_\_\_ Amount of payment:\$\_\_\_\_\_  
Remaining balance:\$\_\_\_\_\_

B. That appointee is indebted to the Debtor or to the estate? ☐ YES ☒ NO, If yes, complete the following:

Type of debt incurred:\_\_\_\_\_ Payment made: \$\_\_\_\_\_  
Date incurred:\_\_\_/\_\_\_/\_\_\_ Date payment made:\_\_\_/\_\_\_/\_\_\_  
Amount incurred:\$\_\_\_\_\_ Amount of payment:\$\_\_\_\_\_  
Remaining balance:\$\_\_\_\_\_

C. That appointee has or presently represents an entity that could be classified as a creditor as defined by 11 U.S.C. §101(10)? ☐ YES ☒ NO, If yes, provide the following and any other relevant information as to each such entity:

- 1) name
- 2) Dates, capacity and scope of representation
- 3) Actual or possible conflicts according to any applicable code or rules of professional conduct, including discussion as to any waivers received or given

D. That appointee is or has been equity security holder as defined in 11 U.S.C. §101(17)? ☐ YES ☒ NO, If yes, provide the following and any other relevant information as to such equity security interests:

- 1) Description of each interest
- 2) Amount of each interest
- 3) Dates each interest held
- 4) Dates and manner of disposal of each interest

Application-3

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1 E. That appointee has or presently represents an equity security holder as defined  
2 by 11 U.S.C. §101(17)? ☐ YES ☒ NO, If yes, provide the following and any  
3 other relevant information as to each such equity security holders:

- 4 1) Name of holder  
5 2) Dates, capacity and scope of representation  
6 3) Actual or possible conflicts according to any applicable code or  
7 rules of professional conduct, including discussion as to any waivers  
8 received or given.

9 F. That appointee is or has been an insider as defined by 11 U.S.C. §101(31)? ☐  
10 YES ☒ NO, If yes, fully explain and provide any and all relevant information  
11 pertaining thereto.

12 G. That appointee has or presently represents an insider as defined by 11 U.S.C.  
13 §101(31)? ☐ YES ☒ NO, If yes, provide the following and any other relevant  
14 information pertaining thereto as to each such insider:

- 15 1) Name  
16 2) Dates, capacity and scope or representation  
17 3) Actual or possible conflicts according to any applicable code or  
18 rules of professional conduct, including discussion as to any waivers  
19 received or given.

20 H. That appointee has or presently represents the Debtor? ☐ YES ☒ NO, If  
21 yes, provide the following and any other relevant information pertaining thereto:

- 22 1) Name  
23 2) Dates, capacity and scope or representation  
24 3) Actual or possible conflicts according to any applicable code or  
25 rules of professional conduct, including discussion as to any waivers  
received or given.

I. That appointee has had or has participated in any transaction with the Debtor,  
whether or not such transaction involved representation of the Debtor?  
Transactions include, but are not limited to any actions under 11 U.S.C. §329(a)  
and FRBP §2017(a), involving payments, retainers, set-offs, security  
agreements, liens, gifts or indentures as defined by 11 U.S.C. §101(28). ☐ YES  
☒ NO, If yes, provide the following and any other relevant information  
concerning each such transaction:

- 1) Names of all parties involved  
2) Dates and description  
3) Amounts involved if applicable

Application-4

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4) Reason for transaction

J. That appointee has received or has been promised compensation from Debtor or some other entity for services rendered or to be rendered in this case? ☐ YES ☒ NO, If yes, provide the following and any other relevant information concerning each such payment or promise.

- 1) Name of payor or promisor
- 2) Status of payor or promisor
- 3) Relationship between Debtor and payor or promisor
- 4) Date of payment or promise
- 5) Amount of payment or promise
- 6) Basis for payment or promise
- 7) Location or disposition of any monies received

K. That appointee has caused to be conducted an internal conflicts check in regard to representation of other clients as required by any code or rules of professional conduct? ☒ YES ☐ NO, If yes, state results, if no, state why it was not done.

No conflicts exist.

DATED this 23<sup>rd</sup> day of September, 2020.

/s/ Kevin O'Rourke  
KEVIN O'ROURKE, WSBA #28912  
Trustee

I, the undersigned appointee, do hereby state under penalty of perjury that I have read the above-representations and verify that they are true and accurate and that they disclose all material facts required to the best of my knowledge and belief.

DATED this 23<sup>rd</sup> day of September, 2020.

SOUTHWELL & O'ROURKE, P.S.

BY: /s/ Kevin O'Rourke  
KEVIN O'ROURKE, WSBA #28912  
421 W. Riverside Ave., Ste 960  
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Application-5

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